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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Seventieth year

Letter dated 21 April 2015 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as representative of the current Chair of the African Union, to transmit herewith a letter dated 30 March 2015 from the Chairperson of the African Union Commission, Nkosazana Dlamini-Zuma, forwarding a communiqué on the situation in Western Sahara adopted by the Peace and Security Council of the African Union at its 496th meeting, held in Addis Ababa on 27 March 2015, as well as the related report (see annex).

I should be most grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 57 and 59, and of the Security Council.

(*Signed*) Frederick Musiiwa Makamure **Shava**
Ambassador
Permanent Representative of the Republic of Zimbabwe
to the United Nations
Representative of the current Chair of the African Union

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Annex to the letter dated 21 April 2015 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General

Letter dated 30 March 2015 from the Chairperson of the African Union Commission addressed to the Secretary-General

I am writing to bring to your attention and that of the United Nations (UN) Security Council the communique on the situation in Western Sahara adopted by the African Union (AU) Peace and Security Council (PSC), at its 496th meeting held In Addis Ababa on 27 March 2015. I am also attaching the report that I submitted to the PSC to facilitate its deliberations on this matter.

The PSC meeting was convened as a follow-up to the decisions on the situation in Western Sahara adopted in the past two years by the relevant AU policy organs. You would recall that, in my letters dated 10 April and 2 December 2013, I updated you on the AU's efforts, I would like to reiterate my appreciation for your reply of 2 May 2013 and the subsequent exchange of views I had both with you and your Personal Envoy for Western Sahara, Ambassador Christopher Ross, in September 2013, on the margins of the UN General Assembly.

In adopting the attached communique, the PSC was guided by the need to ensure an enhanced and coordinated international engagement on the issue, with a view to facilitating the early resolution of the conflict In Western Sahara on the basis of international legality. Since the onset of the conflict, four decades ago, several initiatives have been taken in the search for a negotiated solution, first in the context of the Settlement Proposals submitted by the UN and the Organisation of the African Unity (OAU) in August 1988, and then within the framework of the successive Security Council resolutions adopted from 2007 onwards, following the submission by the two Parties, namely the Kingdom of Morocco and the Frente Polisario, of their respective proposals on how to end the conflict. Unfortunately, none of these initiatives has been able to break the impasse in the peace process. It is a matter of deep concern that the repeated appeals of the UN Security Council to the Parties to enter into negotiations without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara, have remained unheeded. This poses a clear challenge to the authority of the Security Council.

As a result, and while Western Sahara is, since 1963, inscribed on the list of non-self governing territories to which the landmark 1960 Declaration on the Granting of Independence to Colonial Countries and People applies, the people of the Territory have not been able to exercise their inalienable right to self-determination. This prolonged stalemate in the peace process has not only generated tension in the Territory, but also adversely affected regional cooperation and integration efforts, at a time when collective action is of the essence in the face of common and increasing security threats.

It is against this background that the AU decided to step up its efforts towards overcoming the impasse in the peace process and enabling, the people of Western Sahara to exercise their right to self-determination. In so doing, the AU is acting not only within the framework of its responsibilities in the promotion of peace, security

and stability on the continent, in accordance with Chapter VIII of the UN Charter, but also as a Guarantor of the OAU Peace Plan of June 1983 that served as the basis of the Settlement Proposals which, in 1988, set in motion the now-stalled peace process for Western Sahara.

In the past months, and in parallel to my efforts to interact with the Parties, my special Envoy for Western Sahara, former President Joachim Chissano of Mozambique, has undertaken consultations with the permanent members of the UN Security Council, the Government of Spain as the former occupying power, and the UN Secretariat. I would like to seize this opportunity to thank you for the reception accorded to him when he visited the UN Secretariat in June 2014 and the productive meetings he had with both Deputy Secretary-General Jan Eliasson and your Personal Envoy Christopher Ross. In addition to the support for the efforts of the Personal Envoy, with which the AU fully associates itself, these consultations highlighted a growing frustration at the lack of progress and the urgency of renewed international engagement, particularly from the UN Security Council. We were also encouraged by the recognition of the role that the AU could play, including readiness by some international stakeholders to support any creative idea we may come up with to help move the process forward.

In this respect, the Peace and Security Council decided to establish an International Contact Group on Western Sahara. I Intend to undertake consultations with relevant International stakeholders, notably the UN, on how best to operationalize the Group. I look forward to your support in this process. Furthermore, the PSC decided to reactivate the ad hoc Committee of Heads of State and Government on the conflict in Western Sahara established in July 1978, to ensure a high-level and sustained African engagement, while also agreeing to review the situation on a regular basis, at least twice a year.

I would like raise two other issues of particular concern to the AU. The first relates to the need to provide MINURSO with a human fights mandate, and in this regard the AUPSC has requested the UN High Commissioner for Human Rights to take appropriate steps to ensure sustained independent and impartial monitoring of human rights. The second pertains to the illegal exploitation of Western Sahara's natural resources and the AUPSC has recommended consideration of a strategy of global boycott of products of companies involved in the Illegal exploitation of natural resources of Western Sahara as a way of further sustaining the attention of the international community on the situation in Western Sahara. The observations and recommendations contained in your 10 April 2014 report also remain of particular relevance.

In the weeks and months ahead, the Commission will spare no efforts in ensuring the effective follow-up of all aspects of the PSC communique. This will include renewed contacts with both the Parties and the relevant International stakeholders. In so doing, our objective is to actively assist the UN in its ongoing efforts to overcome the impasse in the peace process and ensure the implementation of its resolutions on the matter, to enable the people of western Sahara to exercise their right to self-determination. Allow me in this respect to echo the PSC communiqué by welcoming your sustained efforts and those of your Personal Envoy. I am also appreciative of: the UN Security Council continued attention to the conflict in Western Sahara. I have no doubt that through our collective and renewed efforts, we can resolve this conflict, thus ending the long suffering of the Saharawi

people and creating conditions conducive to the relaunching of the integration agenda, to the benefit of the peoples of the region and Africa as a whole, but also to the benefit of the larger international community.

I would be most grateful if you could share this letter and the accompanying communiqué and report with the President of the Security Council, to be circulated as official documents of the Council, as well as with the General Assembly. Your assistance in ensuring that AU Special Envoy Joachim Chissano is given the opportunity to address the Security Council during its April 2015 meeting on Western Sahara will also be highly appreciated.

(*Signed*) Nkosazana **Dlamini-Zuma**

Enclosure I

Communiqué of the 496th meeting of the Peace and Security Council of the African Union

[Original: English and French]

The Peace and Security Council of the African Union (AU), at its 496th meeting held on 27 March 2015, adopted the following decision on the situation in Western Sahara:

Council,

1. **Takes note** of the report of the Chairperson of the Commission on the situation in Western Sahara [PSC/PR/2(CDXCVI)], as well as of the update provided by the Special Envoy of the Chairperson of the Commission for Western Sahara, former President Joaquim Chissano of Mozambique. Council **also takes note** of the statements made by the Minister of Foreign Affairs of the Saharawi Arab Democratic Republic (SADR), as well as by the representatives of the Federal Republic of Nigeria, as an African member of the United Nations (UN) Security Council, and the United Nations Secretariat;

2. **Recalls** the Plan of Action adopted by the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, held in Tripoli, Libya, on 31 August 2009 [SP/ASSEMBLY/PS/PLAN(I)], expressing support to the UN efforts to overcome the impasse in the peace process in Western Sahara and to relevant UN Security Council resolutions, which call for direct negotiations between the Parties to the conflict, namely the Kingdom of Morocco and the Frente Polisario, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the UN Charter, and, to this end, calling for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco;

3. **Further recalls** decision EX.CL/Dec.758 (XXII) adopted by the 22nd Ordinary Session of the Executive Council held in Addis Ababa, from 24 to 25 January 2013, requesting the Commission to take all necessary measures for the organization of a referendum for the self-determination of the people of Western Sahara, in compliance with the relevant decisions of the Organization of African Unity (OAU) and the UN, as well as decision EX.CL/Dec.773(XXIII) adopted by the 23rd Ordinary Session of the Executive Council held in Addis Ababa, from 19 to 23 May 2013, reiterating OAU/AU's earlier decisions and pronouncements on the situation in Western Sahara and requesting the Chairperson of the Commission to pursue her efforts, including further consultations with the Parties, as well as continued interaction with the UN and other relevant international stakeholders;

4. **Also recalls** decision Assembly/AU/Dec.559(XXIV) adopted by the 24th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2015, reiterating UN Security Council calls to the Parties to continue negotiations without preconditions and in good faith, expressing AU's full support to the efforts of the UN Personal Envoy, welcoming the steps taken by the Chairperson of the Commission to follow-up on the relevant decision of the Executive Council and

requesting her to pursue her efforts, in order to mobilize the necessary support for the UN-led process;

5. **Welcomes** the continued efforts of the UN Secretary-General, as well as those of his Personal Envoy, towards the search for a solution within the framework of the relevant resolutions of the UN Security Council, including the consultations undertaken by the Personal Envoy as part of his new approach as outlined in the report of the Secretary-General on the situation concerning Western Sahara of 10 April 2014 (S/2014/258);

6. **Further welcomes** the steps taken by the Chairperson of the Commission in implementation of the relevant decisions of the AU policy organs and in support of the UN-led efforts, including the appointment of former President Joaquim Chissano as AU Special Envoy and the initiative to interact with the Parties to the conflict. Council **expresses satisfaction** at the consultations conducted by the Special Envoy with the permanent members of the UN Security Council and Spain, as the former occupying power, as well as with the UN Secretariat, and **commends** him for his commitment in the discharge of his mandate;

7. **Notes with deep concern** that four decades after the onset of the conflict in Western Sahara and fifty years after the decision to decolonize Western Sahara, all efforts aimed at finding a solution have so far failed to achieve the expected results and that the prevailing stalemate not only heightens tension in the Territory, but also undermines efforts to promote integration in the Maghreb region. Accordingly, Council **expresses** the urgency of renewed efforts to overcome the current impasse. In this respect, Council:

(i) **appeals** for an enhanced and coordinated international action towards the early organization of a referendum for the self-determination of the people of Western Sahara, in compliance with relevant OAU/AU decisions and UN resolutions;

(ii) **urges** the UN Security Council to take all necessary decisions to ensure progress in the search for a solution to the conflict in Western Sahara, acknowledging its critical role and primary responsibility for the maintenance of international peace and security. In this respect, Council **encourages** the UN Security Council, at its forthcoming April 2015 meeting on Western Sahara, to give serious consideration to the recommendation contained in the above-mentioned Secretary-General report of 10 April 2014 for a comprehensive review of the framework it provided for the negotiating process in April 2007, should no progress occur before April 2015, on the understanding that such a review should aim at facilitating the early holding of a referendum for the self-determination of the people of Western Sahara;

(iii) **renews its support** to the calls made by the UN Security Council for direct negotiations between the two Parties, namely the Kingdom of Morocco and the Frente POLISARIO, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the UN Charter; and

(iv) **appeals** to the larger international community to lend its full support to the efforts aimed at overcoming the current impasse;

8. **Encourages** the Chairperson of the Commission, including through her Special Envoy and any other appropriate framework, to pursue and intensify the efforts already initiated as a follow- up to the relevant decisions of the AU policy organs, in particular renewed contacts with the Parties, the neighbouring states and other AU Member States, as well as with the UN and other relevant international stakeholders, with a view to ensuring the effective implementation of the relevant OAU/AU decisions and UN resolutions on Western Sahara, bearing in mind the role of the OAU/AU as Guarantor of the Peace Plan endorsed in resolution AHG/Res.104(XIX), adopted by the 19th Ordinary Session of the Assembly of Heads of State and Government, held in Addis Ababa from 6 to 12 June 1983, which served as the basis of the August 1988 Settlement Proposals that set into motion the peace process for Western Sahara. In this respect, and taking into account that Western Sahara remains an issue in the completion of the decolonization process of Africa, Council:

(i) **decides** to reactivate the *ad hoc* Committee of Heads of State and Government on the conflict in Western Sahara, established pursuant to resolution AHG/Res.92(XV), adopted at the 15th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Khartoum, Sudan, from 18 to 22 July 1978. Council **further decides** to expand the composition of the ad hoc Committee to comprise ten Heads of State and Government, two from each of the five regions of the continent. Council **requests** the Chairperson of the Commission to urgently undertake the necessary consultations for the finalization of the composition and the operationalization of the *ad hoc* Committee;

(ii) **requests** the Commission, through the appropriate channels, to undertake a demarche towards the UN Security Council, for the AU Special Envoy for Western Sahara to be given the opportunity to address the Security Council during its meeting on Western Sahara scheduled to take place in the month of April 2015. Council **further requests** the African members of the UN Security Council, working within the framework of the A3, to support and facilitate this request;

(iii) **decides** to establish an International Contact Group for Western Sahara (ICG-WS), in order to keep the issue on the international agenda and to mobilize the necessary support for the early resolution of the conflict, and **invites** the Chairperson of the Commission to undertake the necessary consultations to this end; and

(iv) **further decides** to regularly review the situation in Western Sahara, at least twice a year, on the basis of updates and recommendations provided by the Chairperson of the Commission;

9. **Looks forward** to the renewal of the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) at the expiration of its current mandate, on 30 April 2015, as decided by the Security Council in resolution 2152 (2014) of 29 April 2014. Council **urges** the UN Security Council to take the necessary steps to provide MINURSO with a human rights mandate, taking into account the need to ensure sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps. Council **requests** the High Commissioner for Human Rights to take appropriate steps in this respect;

10. **Requests** the African Commission on Human and Peoples' Rights (ACHPR) to undertake, as soon as possible, a mission to Western Sahara and to the refugee camps in Tindouf, to assess the human rights situation and make recommendations to Council, building on the outcome of its visit to the region in September 2012. In this regard, Council **urges** the Government of the Kingdom of Morocco to extend full cooperation to the ACHPR, in particular by allowing it to access the Territory;

11. **Calls on** the UN Security Council to address the issue of the illegal exploitation of the Territory's natural resources, bearing in mind the call made in the UN Secretary-General report of 10 April 2014, for all relevant actors, in the light of the increased interest in the natural resources of Western Sahara, to "recognize the principle that the interests of the inhabitants of these territories are paramount", in accordance with Chapter XI, article 73 of the Charter". In this respect, Council **recommends** consideration of a strategy of global boycott of products of companies involved in the illegal exploitation of the natural resources of Western Sahara as a way of further sustaining the attention of the international community on the situation in Western Sahara;

12. **Invites** the Chairperson of the Commission to forward this communiqué to the Parties, for their information and action as appropriate. Council **further invites** the Chairperson of the Commission to transmit the communiqué to the UN Secretary-General and to request that it be circulated as an official UN Security Council document, as well as to other relevant international stakeholders;

13. **Decides** to remain actively seized of the matter.

Enclosure II

Report of the Chairperson of the African Union Commission on the evolution of the peace process in Western Sahara and other related issues

[Original: English and French]

I. Introduction

1. This report is submitted in pursuance of the relevant decisions of both the Executive Council and the Assembly of the Union, requesting me to pursue my efforts with respect to the search for a solution to the conflict in Western Sahara and to provide regular updates on the evolution of the situation.

II. Background

2. It will be recalled that, following concerns expressed during successive meetings of the relevant AU policy organs at the lack of progress in the search for a solution to the conflict in Western Sahara, the Executive Council, at its 22nd Ordinary Session held in Addis Ababa from 24 to 25 January 2013, adopted decision EX.CL/Dec.758(XXII) in which it requested the Commission "to take all necessary measures for the organization of a referendum for the self-determination of the people of Western Sahara, in compliance with the relevant decisions of the Organization of African Unity (OAU) and United Nations (UN) resolutions." This decision was taken against the backdrop of continued stalemate in the peace process, in spite of the fact that both the UN General Assembly and the UN Security Council have adopted numerous resolutions, calling for the exercise of the right of self-determination by the people of the Territory. Western Sahara has been inscribed since 1963 on the list of territories to which UN General Assembly resolution 1514 (XV) of 14 December 1960 on the Granting of Independence to Colonial Countries and People applies. To-date, Western Sahara remains on the UN list of the 16 dependent territories yet to exercise their right to self- determination.

3. Efforts towards the search for a solution to the problem had been ongoing, in some form or another, ever since the UN, in mid-1970s, had called on Spain, as the Administering Power of the Territory, to organize a referendum of self-determination for the people of Western Sahara. The challenge brought forth at the time by the Moroccan claim subsequently led to the occupation of the Territory by the latter, in spite of the advisory opinion rendered by the International Court of Justice (ICJ) on 16 October 1975, affirming that it had not found legal ties of such a nature between Western Sahara and the concerned neighbouring countries that might affect the application of resolution 1514 (XV) and, in particular, of the principle of self-determination through the free and genuine expression of the will of the people of the Territory. This ushered in a 16-year long armed struggle against Moroccan occupation of the Territory by the forces of the Frente POLISARIO.

4. In August 1988, the Parties accepted the Settlement Proposals presented to them by the UN and the OAU, on the basis of the Peace Plan adopted by the 19th Ordinary Session of the Assembly of Heads of State and Government, held in

Addis Ababa from 6 to 12 June 1983. The objective was to enable the people of Western Sahara to exercise their inalienable right to self-determination and independence. On 29 April 1991, the Security Council, in resolution 690 (1991), established the UN Mission for the Referendum in Western Sahara (MINURSO) to organize and conduct the referendum, in cooperation with the OAU. While the ceasefire component of the Proposals agreed to by the two sides in September 1991, still holds, no progress has been made to date regarding the organization of the envisaged referendum for self-determination.

5. Following the difficulties encountered between the end of 1995 and the beginning of 1997 in identifying and registering those eligible to vote in the self-determination referendum, the then UN Secretary-General Personal Envoy, James A. Baker III, facilitated a series of direct talks between the Parties, leading to the signing of the Houston Accords on 16 September 1997. The implementation of the Settlement Proposals ended in February 2000, when Morocco decided to halt any further engagement with the identification process. The subsequent efforts by the UN Secretary-General Personal Envoy, including the submission, in May 2003, of a Peace Plan for the self-determination of the people of Western Sahara unanimously supported by the Security Council, in resolution 1495 (2003) of 31 July 2003, as an optimum political solution, did not make it possible to break the impasse. Notably, the Plan proposed an interim period of up to five years under Moroccan jurisdiction and then a referendum of self-determination with three ballot options: integration with Morocco, autonomy under Moroccan jurisdiction and independence. While the Frente POLISARIO consented to the Plan, Morocco objected the inclusion of the option of independence in the envisaged referendum.

6. On 10 and 11 April 2007, respectively, the Frente POLISARIO and Morocco submitted to the UN Secretary-General proposals on how to end the conflict. The Frente POLISARIO proposed a referendum of self-determination, with ballot options of integration, autonomy under Moroccan jurisdiction and independence, while Morocco offered, as a solution, "autonomy within the sovereignty and territorial integrity of Morocco". In resolution 1754 (2007) adopted on 30 April 2007, the Security Council called upon the Parties to enter into negotiations without preconditions, in good faith, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara, consistent with the purposes and principles of the UN Charter, requesting the Secretary-General to set up these negotiations under his auspices.

7. As a follow-up, Ambassador Peter van Walsum, who replaced James Baker as Personal Envoy in July 2005, launched what came to be known as the Manhasset Process, after the name of the place, in New York, where the meetings between the two Parties were held. Four sessions of direct talks were convened between June 2007 and March 2008 without progress, as Morocco insisted that its offer of autonomy was the only basis under which the negotiations could take place.

8. Against this background, the new Personal Envoy of the Secretary-General, Ambassador Christopher Ross, who was appointed in January 2009, proposed, instead of continuing with the direct talks by convening the 5th round, to first organize "informal talks", the objective of which was to build confidence and trust between the two Parties to facilitate bilateral dialogue towards a more substantive discussion of the core issues at stake in the dispute. This approach was welcomed by

the Security Council in its resolution 1871 (2009) of 30 April 2009. Ambassador Ross organized thirteen rounds of informal talks between the Parties, without progress. In October/November 2012, the Personal Envoy, for the first time, visited the Territory to get a first-hand look at the situation on the ground.

III. Recent evolution of the peace process

9. With the failure of the consultations undertaken in the context of the Security Council approved format of informal talks between the two Parties, the Personal Envoy decided, in March/April 2013, to initiate a new approach in order to facilitate negotiations between the Parties, to achieve "a just, lasting and mutually acceptable political solution, which will provide for the self- determination of the people of Western Sahara". As indicated in the report of the Secretary-General of 10 April 2014, the Personal Envoy was "to engage in a period of bilateral consultations with the Parties and neighbouring States to gauge whether the Parties are prepared to be flexible in developing the elements of a compromise solution and how the neighbouring States can be of assistance".

10. It is against this background that the Personal Envoy undertook a visit to the region from 20 March to 12 April 2013. In addition to Rabat, Tindouf (Algeria), Algiers and Nouakchott, he also visited Western Sahara for the second time, where he interacted with a wide spectrum of local interlocutors. In his consultations with the Parties, he endeavoured to secure their concurrence to his proposal to conduct confidential bilateral discussions with them and undertake shuttle diplomacy as may be needed. He seized the opportunity to urge them "to enter the forthcoming discussions with as much flexibility, creativity and imagination as possible and to move beyond their existing proposals towards a compromise or intermediate solution". The Personal Envoy undertook another visit to the region from 12 to 25 October 2013, during which he requested the Parties to appoint working groups that would engage with him, on the basis of the guidance provided by the Security Council, first, the substance of a mutually acceptable political solution, second, the means by which the people of Western Sahara would exercise self-determination.

11. The Personal Envoy undertook two visits to the region in 2014: from 18 to 30 January and 27 February to 7 March 2014, respectively. During the first visit, the Personal Envoy held meetings with the working groups established by the Parties at his request, to seek greater clarity on the issues at hand, their positions and their readiness to be flexible. In the second visit, he sought to receive responses to the questions that he had put to the Parties in January 2014. It should be added that, during both visits, he had discussions with the neighbouring States of Algeria and Mauritania on how best they could contribute to the search for a solution.

12. In his 10 April 2014 report to the Security Council, the Secretary-General indicated that the reactions of the Parties to the new approach of his Personal Envoy "remain within the parameters of their respective formal proposals". He, however, added that there was "a measure of hope that the Parties may be able to take a more flexible approach in future discussions". The Secretary-General recommended to the UN Security Council to comprehensively review the framework that it provided in April 2007 for the negotiating process, should no progress occur before April 2015.

13. In resolution 2152 (2014), adopted on 29 April 2014, the UN Security Council welcomed the Parties' commitment to continue the process of preparation for a

5th round of negotiations, and called upon them to continue to show political will and work in an atmosphere propitious for dialogue. The Security Council called upon the Parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the Parties in this respect. The question of Western Sahara was considered by the Security Council on 27 October 2014. The Personal Envoy then indicated that the negotiation process remained exactly where it was when the Security Council considered the matter in April 2014.

14. As part of his new approach, the Personal Envoy was planning to hold bilateral discussions with the Parties and with the neighbouring States, approximately once a month, with the possibility of convening face-to-face discussions, once sufficient progress has been made. However, he was not able to proceed as planned. While the Frente POLISARIO and the neighbouring States of Algeria and Mauritania were prepared to receive him, Morocco was not willing to do so. In January 2015, Morocco lifted its objection, allowing the Personal Envoy, starting from 11 February, to visit Rabat and to proceed thereafter to the other countries of the region. Likewise, the newly-appointed Special Representative of the UN Secretary-General for MINURSO, Mrs Kim Bolduc, who could not take up her post in Laayoune for several months, was also allowed to do so on 5 February 2015.

IV. Follow-up to the relevant decisions of the AU's policy organs

15. As indicated above, in decision EX.CL.Dec.758 (XXII), the Executive Council requested the Commission to take all necessary measures for the organization of a referendum for the self- determination of the people of Western Sahara, in compliance with the relevant decisions of the OAU and UN resolutions. In follow-up, on 10 April 2013, I wrote to the Foreign Ministers of the Kingdom of Morocco and the Saharawi Arab Democratic Republic (SADR). In those letters, I expressed AU's concern at the continued stalemate in the conflict and requested the Parties to apprise the Commission of their respective views on the prevailing situation and prospects for its resolution. In a letter addressed to me on 2 May 2013, the Minister of Foreign Affairs of SADR expressed appreciation for the AU's effort to expedite the decolonization of Western Sahara. On his part, the Foreign Minister of Morocco, in a letter dated 6 May 2013, objected to any specific AU role, stressing that all concerned, particularly in Africa, should support and encourage the efforts of the UN Security Council and the Secretary-General. Also, on 10 April 2013, I addressed a letter to the UN Secretary-General, to stress the need for renewed efforts by the international community to overcome the current impasse and to invite his Personal Envoy to visit Addis Ababa for consultations with the Commission on the way forward. As requested, my letter was shared with the members of the Security Council.

16. In May 2013, I submitted to the 23rd Ordinary Session of the Executive Council, held in Addis Ababa from 19 to 23 May 2013, my first progress report on the situation in Western Sahara [EX.CL/788(XXIII)-Rev.1]. On its part, the Executive Council adopted decision EX.CL/Dec.773(XXIII), in which it reiterated

the OAU/AU's earlier decisions and pronouncements on the situation in Western Sahara and requested me to pursue my efforts, including further consultations with the Parties, as well as continued interaction with the UN and other relevant international stakeholders.

17. As a follow up, the Commission continued its consultations with the UN and other stakeholders in the international community, stressing the imperative for increased international engagement, in order to overcome the impasse in the peace process. More specifically, I discussed the issue in New York, in September 2013, on the margins of the General Assembly, both with the UN Secretary-General and his Personal Envoy. Furthermore, on 2 December 2013, I sent letters to the Parties to transmit the decision adopted by the Executive Council and to inform them that the AU Senior Representative to MINURSO would liaise with them for further exchanges of views on the matter. I also wrote to the Ministers of Foreign Affairs of Algeria and Mauritania, as well as to the permanent members of the UN Security Council (China, France, Russia, United Kingdom and United States of America), Spain, as the former Administrative Power in Western Sahara, and the UN Secretary-General, to update them on AU's efforts, including the decision adopted by the 23rd Ordinary Session of the Executive Council, and to inform them of my intention to send an Envoy to their respective capitals to exchange with them on the situation.

18. In June 2014, I appointed former President Joaquim Chissano of Mozambique as my Special Envoy for Western Sahara. I requested him to undertake consultations with the permanent members of the UN Security Council and Spain, as well as with the UN Secretariat, on how best the AU can support international efforts to find a solution to the conflict on the basis of international legality and urge for renewed international engagement towards the resolution of the conflict in Western Sahara.

19. From 11 to 17 June 2014, the Special Envoy undertook visits to London, Paris, Madrid, Washington and New York, to consult with the relevant British, French, Spanish, US and UN officials. From 6 to 10 September 2014, he visited Moscow, for discussions with Russian officials. From 19 to 22 January 2015, he went to Beijing, where he held consultations with relevant Chinese officials.

The Special Envoy had fruitful discussions with all his interlocutors. The following elements emerged from these discussions:

(i) frustration over the lack of progress in the search for a solution to the conflict and the need for renewed international engagement, in particular from the Security Council, to overcome the current impasse, on the basis of the relevant UN Security Council resolutions;

(ii) support for the efforts being undertaken by the Personal Envoy of the UN Secretary-General, including the new approach he has embarked upon since March-April 2013;

(iii) recognition of the positive role that the AU could play in the search for a solution and encouragement for a more active involvement of the continent in the related international efforts, including enhanced contacts with the Parties and other stakeholders. Some interlocutors of the Special Envoy expressed their willingness to support any creative idea the AU may have to help move the process forward, within the framework set by the UN;

(iv) recognition of the critical importance of the report that the UN Secretary-General is expected to submit in April 2015, whose recommendations will inform further international efforts on Western Sahara; and

(v) concern over issues relating to the situation of human rights and the illegal exploitation of the natural resources of the Territory.

20. On 6 February 2015, and at their request, I received a delegation from the Moroccan Authenticity and Modernity Party (PAM), led by its Deputy President, Mr. Ilyas El Omari, who is also Deputy Speaker of the House of Representatives of the Parliament of the Kingdom of Morocco. The meeting provided an opportunity to discuss a number of issues of common concern, including the prevention and combating of terrorism, women's empowerment, socio-economic development, Morocco's relations with the AU and the situation in Western Sahara. On that last point, I stressed the need to find a lasting solution to the conflict that would be acceptable to both Parties on the basis of international legality, and reiterated the AU's readiness and availability to assist the Parties in overcoming the current stalemate, within the context of the relevant decisions of the AU policy organs. I assured the delegation of the AU's continued readiness to engage on issues of mutual concern.

21. During the period under review, the policy organs have remained actively seized of the situation in Western Sahara. In decision Assembly/AU/Dec.536(XXIII) on the report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa, the 23rd Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 26 to 27 June 2014, reiterated the need for renewed efforts to facilitate an early resolution of the conflict, which will provide for the self-determination of the people of Western Sahara in line with relevant UN Security Council resolutions. The Assembly also welcomed the consultations then being undertaken by my Special Envoy with international stakeholders. In decision Assembly/AU/Dec.559(XXIV) on the report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa, the 24th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2015, reiterated the UN Security Council calls to the Parties to continue negotiations without preconditions and in good faith, and expressed AU's full support to the efforts of the UN Personal Envoy. The Assembly also welcomed the steps I had taken to follow up on the relevant decision of the Executive Council, and requested me to pursue my efforts, in order to mobilize the necessary support for the UN-led efforts.

22. Furthermore, and in reaction to the plans to organize the Crans Montana Forum in the city of Dakhla, the 24th Ordinary Session of the Assembly of the Union adopted a declaration on the issue [Assembly/AU/Decl.7(XXIV)]. In that declaration, the Assembly, having reaffirmed earlier AU decisions on Western Sahara and expressed support to my efforts and those of my Special Envoy, in coordination and complementarity with the efforts of the Personal Envoy of the UN Secretary-General, considered that the organization of any international conference in the current circumstances in Western Sahara is in contradiction with the efforts to resolve the conflict; urged Crans Montana and all other organizers to cancel the meeting; and called upon Member States and African civil society not to take part in the Forum. It should also be noted that, following reports that the UN was attending the Forum, which took place from 12 to 14 March 2015, the

Secretariat denied those reports and underlined that the Secretary-General did not delegate anyone to represent him or the UN. The Secretariat further stressed that while Dakhla is described in Forum materials as a city in Morocco, the definitive status of Western Sahara is the object of a negotiating process being conducted under the auspices of the Secretary-General in accordance with the relevant UN resolutions.

V. Mandate and activities of MINURSO

23. As indicated above, MINURSO was established by resolution 690 (1991), following the acceptance by the two Parties of the UN/OAU Settlement Plan and its subsequent endorsement by the Security Council. As part of its mandate to implement the provisions of the Settlement Plan, MINURSO conducted the identification of eligible Sahrawi voters to participate in the projected self-determination referendum. With the stalemate brought about by the problems encountered in the appeal process, the main task of MINURSO on the ground relates now to the observation and monitoring of the ceasefire agreement between the Parties. As at March 2015, the Mission had a military component of 220 personnel, against an authorized strength of 246. By resolution 2152 (2014), the Security Council decided to extend MINURSO's mandate until 30 April 2015. It reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire, and called on the Parties to adhere fully to those agreements, as well as to cooperate fully with the operations of MINURSO.

24. On the ground, MINURSO works closely with the AU Office in Western Sahara, which was established following the adoption of UN Security Council resolution 690 (1991). At the time when MINURSO was engaged on the identification of potential Sahrawi voters for the projected referendum, OAU/AU observers participated in the exercise. Since then, the Office, which is headed by a Senior Representative, Ambassador Yilma Tadesse, of Ethiopia, and located in the MINURSO premises, maintains consultations with the Parties and relevant international stakeholders.

VI. Human rights situation

25. Over the past few years, the Frente POLISARIO, the African Commission on Human and People's Rights (ACHPR) and a number of international human rights activists have been calling on the UN to empower MINURSO with a human rights monitoring mandate. In his 8 April 2013 report on the situation concerning Western Sahara, the UN Secretary-General urged for further international engagement and, given ongoing reports of human rights violations, stressed that the need for independent, impartial, comprehensive and sustained monitoring of the human rights situations in both Western Sahara and the camps has become ever more pressing. While Security Council resolution 2099 (2013) of 25 April 2013 did not empower MINURSO with such a mandate, it however stressed in its preamble the importance of improving the human rights situations in Western Sahara and the Tindouf camps and encouraged the Parties to continue in their respective efforts in this regard.

26. In his 10 April 2014 report, the UN Secretary-General, while welcoming the steps taken by the Parties, stated that "the end goal nevertheless remains the sustained, independent and impartial monitoring of human rights, covering both the Territory and the camps". In the preamble of resolution 2152 (2014), the Security Council stressed once again the importance of improving the human rights situation, encouraged the Parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, encouraged the Parties to continue in their respective efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps, including freedoms of expression and association, and recognized and welcomed the steps and the initiatives taken by Morocco in this regard.

VII. Exploitation of Western Sahara's natural resources

27. The issue of the exploitation of the natural resources of Western Sahara by Morocco has been the subject of continued complaints by the Frente Polisario, which underlines that Western Sahara as non-self-governing territory ought to have its natural resources protected for the benefit of its own people, and that the international community should ensure that they are not exploited by Morocco. It has, in that connection, called on Morocco and on all other foreign entities to halt the exploitation of Western Sahara's resources and desist from entering into any agreements that would violate the Sahrawi people's permanent sovereignty over their natural resources. In his 10 April 2014 report, and in the light of increased interest in these resources, the UN Secretary-General stressed that it was timely to call upon all relevant actors to "recognize the principle that the interests of the inhabitants of these territories are paramount", in accordance with Chapter XI, Article 73 of the Charter.

VIII. Observations

28. It is a matter of deep concern that four decades after the onset of the conflict of Western Sahara, all efforts aimed at finding a solution have so far failed to achieve the expected results. As a result, the people of the Territory have not been able to exercise their right of self-determination, in line with relevant UN resolutions, although Western Sahara has been on the list of non-self- governing territories since 1963.

29. Against this backdrop, the need for renewed international efforts to overcome the current impasse and facilitate an early resolution of the conflict cannot be over emphasized. As rightly and repeatedly pointed out by the Security Council in its relevant resolutions, "achieving a political solution to this long-standing dispute and enhanced cooperation between the Member States of the Maghreb Arab Union would contribute to security and stability in the Sahel region".

30. I reiterate AU's support to the efforts of the Personal Envoy of the UN Secretary-General, Ambassador Christopher Ross. He has demonstrated commitment and determination in the discharge of his mandate. I would like, once again, to echo the calls made by the UN Security Council for direct negotiations between the two Parties without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will

provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the UN Charter. I appeal to the larger international community to lend its full support to the efforts aimed at overcoming the current impasse.

31. I commend the UN Security Council for remaining seized of the matter. I encourage the Security Council to take all necessary decisions to ensure progress in the search for a solution to the conflict in Western Sahara, acknowledging its critical role and primary responsibility for the maintenance of international peace and security. In this respect, the Security Council, at its forthcoming April 2015 meeting on Western Sahara, may wish to give serious consideration to the recommendation contained in the above-mentioned Secretary-General report of 10 April 2014 for a comprehensive review of the framework it provided for the negotiating process in April 2007, should no progress occur before April 2015.

32. On my part, and in line with the relevant decisions of the AU policy organs, I will pursue and intensify the efforts already initiated by the Commission in order to foster an international engagement commensurate with the seriousness of the issue at hand. In so doing, the Commission is guided by the need to mobilize all the necessary support for the UN-led efforts, to break the current impasse and resolve the current conflict, which has lasted for far too long. In this respect, I intend, including through my Special Envoy and other appropriate arrangements, to step up the interaction with the Parties to the conflict, the neighbouring States and other AU Member States, as well as with the UN and other relevant international stakeholders. The African continent, which, through the OAU, initiated the mediation process, stands to benefit immensely from the resolution of this conflict.

33. As the current mandate MINURSO expires on 30 April 2015, I look forward to its renewal by the Security Council, to give the required space for the continuation of the political efforts. It is my expectation that the Security Council will seize the opportunity to provide MINURSO with a human rights mandate, with the view to ensuring, as highlighted by the UN Secretary-General, sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps. Equally important, is the need to address the issue of the exploitation of the Territory's natural resources, bearing in mind the call made in the UN Secretary-General report of 10 April 2014.

34. I would like to pay tribute to my Special Envoy, former President Joaquim Chissano, for having accepted the mission I entrusted to him and for his commitment. I am also grateful to my Senior Representative to MINURSO, Amb. Yilma Tadesse, for his continued efforts. I appreciate the support that MINURSO continues to provide to the AU Office in Laayoune, which is a further testimony to the close partnership between the AU and the UN in the area of peace and security.